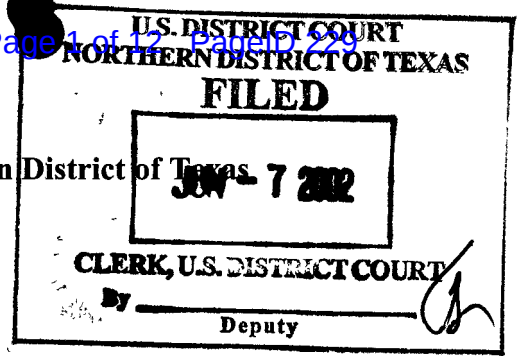


ORIGINAL



**In the United States District Court for the Northern District of Texas
Dallas Division**

**(USA and)
Jamal Elhaj-Chehade
Co- plaintiff**

Vs.

**Educational Commission for Foreign Medical Graduates
Et al entities and individuals) Defendants**

3:01-CV-01301-L

**Plaintiff's response to the defendants motion for summary judgment and the
plaintiff response reaffirming his motion for summary judgment with injunction
filed on May 29, 2002**

June 5, 2002

Comes now on this date, the plaintiff is filing his response to the defendants motion for summary judgment and the plaintiff reaffirming his countermotion for judgment and injunction as follow

Introduction

- 1- the plaintiff filed his motion for summary judgment and injunction relief first on May 29, 2002. the plaintiff did file his motion in accordance with FRCP where the defendants refuse to produce the documents requested, and when the defendants refuse to diagnose(identify) and treat(meet) the plaintiff needs. And The plaintiff filing came with at least 3 type contacts/conference with the defendants in accordance with local and FRCP rules. Therefore the plaintiff will consider the defendants motion as a response to his motion
- 2- the defendants filed their motion for summary judgment after the plaintiff, on June 3, 2002 and received by the plaintiff on June 5, 2002 . the defendants motion violates the FRCP and local rules that require the defendants to confer with the plaintiff prior to filing. In addition the defendants motion for summary judgment constitute evidence against the defendants for their taking advantage and exploit the plaintiff while his legal needs are not diagnosed and treated first.(see Exhibit- 1). The defendants do have the duty to diagnose and treat the plaintiff's needs. And any order (unfavorable to the plaintiff) by any court absent/delay the diagnose and treatment constitute misdiagnosis and for which the defendants are liable. The defendants motion for summary must be denied because they refused to submit the documents requested. Therefore the plaintiff is entitled for judgment.
- 3- this plaintiff response must be used in conjunction with the plaintiff motion for summary judgment and injunction request and all the attachments and exhibits attached to it all filed on May 29, 2002.

Facts

- 1- the defendants violations are ongoing, therefore, resjudicata or statute of limitations does not apply because it is a new cause of action with the aim to stop the progression of injuries and stop the violations.(aggravation of a situation or preexisting condition) etc..
- 2- the defendants conducts **business all over the world**, therefore the statute of the state/country/ municipality /place with the longest or the most favorable to the plaintiff does apply, this USDC(where the plaintiff resides must hear this case) as in USDC in Kansas heard a case in accordance to the far-away Mississippi statute because longer statute of limitation. in **Shruber v. Allis Chalmers corp, 611 F 2d 790 USCA-10 (Kansas) 1979. the case was heard in Kansas but the Mississippi statute was applied- and the same does apply here.** the plaintiff asserts that some state, provinces, or country do have a lifetime statute of limitation, and in the plaintiff country of origin, statute of limitation can extend to 25 years. However this case is about new, fresh, and ongoing violations (within statute) and bigger than any old case(o resjudicata apply) . Although the plaintiff did not bring any old violations
- 3- **This case is CIVIL Case, therefore courts must view evidence as most favorable to the plaintiff. And with preponderance rather than doubt.**
- 4- The defendants admitted to the US Government (Ex 1 and 2) to owe the plaintiff a duty for life(as long as the defendants every year use the plaintiff as a cause to renew their exemption/non-profit status and re affirming their obligations to the plaintiff). To *identify(diagnose) his needs(problems etc..) and meet them(treat them)*. And that there **is linkage** (contract renewal and obligations) between the defendants claim as non-profit and the defendants obligations toward the plaintiff.
- 5- The plaintiff needs must be *treated as to promote*, the plaintiff excellence, and advancement, and expand his opportunities and maximize his benefits and serve his best interest.(Ex 2)
- 6- The defendants admitted to the **link** (primary purpose in exhibit Ex 1))between their exempt status and their renewal-reaffirmation of their obligations toward the plaintiff(unidirectional contract and obligations toward the plaintiff)
- 7-The plaintiff submitted evidences that the defendants admitted to the US government to owe the plaintiff a lifetime duty to promote his excellence and advancement and to maximize his benefits and to identify his NEEDS and meet them, and to serve his best interest, and to expand his opportunities etc...(see plaintiff

motion for summary judgment filed may 29, 2002 exhibits A5 and A7 and B1, B4 and B6 and D1 and D2.

- 7- the plaintiff **now** does have NEEDS and the plaintiff is asking the defendants to identify ALL those NEEDS and meet them and Maximize his benefits NOW and the plaintiff is hereby asking for injunction; and failure to do so, the court must render its judgment in favor of the plaintiff for the repetition and the deliberate actions of the defendants- this matter and the injunction reliefs are NEVER subject to any statute of limitation.
- 8- the defendants do **have a current** duty to identify the plaintiff NEEDS and meet them and maximize his benefits as of now, the plaintiff **is not** asking for the identification and meeting of any old NEEDS such as verifying his diploma from overseas which may be a subject to the statute of limitation. The plaintiff needs as of today a pro-se must be met first, and that any failure or delay in meeting those needs constitutes as evidences of new failure to identify and meet the plaintiff's NEEDS. And constitute a grounds for new cause of action for which **exponential** reliefs must be awarded for the plaintiff.
- 9- The defendants ongoing violations are current and ongoing for which reliefs must be granted through **an injunction**. These ongoing violations not only are different than those brought in the case 3:99-CV-680-D/BC but also are **broader** in scope, more recent, and matter and that evidence become available recently. Evidence did not begin to surface until February 2001 when the plaintiff received the concealed evidence after January 2001 when the defendants admitted in their motion for summary judgment in the case 3:99-CV-680-D/BC to have sold a minimum of 63 thousands examinations each year

Plaintiff cause of action

The plaintiff brought a legal action that includes fraud and deception and unjust enrichment and embezzlement/thefts/and corruption, and) and double jeopardy and profiling and violations of the plaintiff's rights, and contracts(obligations), **price** fixing, illegal retention(benefits, meeting needs etc..) of property all of which are plaintiff's standing etc... violations of tax(501-C-3) for which the IRS has the standing. The plaintiff asserts the following

- 1- this matter is not subject to res judicata not only because the charges were never brought in the past but also they are ongoing and broader in nature. The defendants cannot claim res judicata because this new case is bigger and broader in nature and ONGOING, even if judge Boyle was rendered and if it becomes final.
- 2- the plaintiff asserts that the defendants **retaliated** against the plaintiff and subjected the plaintiff to **double jeopardy and profiling**. The double jeopardy began after the order of Jane Boyle, and the plaintiff profiling is current the

- double jeopardy (although involve the government). *It was paid for by the money* the defendants concealed(/took away) from the plaintiff at the expense of **diagnosis and treatment of his needs**. Therefore it does constitute as causing injuries to the plaintiff by the defendants for abusing of power and because of improper diagnosis and treatment of plaintiff's needs- misdiagnosis/malpractice(mishandling of the plaintiff's needs) etc....
- 3- The defendants refuse to identify and meet the plaintiff needs even the order of Jane Boyle speaks of needs.
 - 4- There is a **fraud and deception** on the part of the defendants (scam and deception etc..) that make even the old court orders not valid. Fraud and deception constitute misdiagnosis and maltreatment of the plaintiff's NEEDS, and any order entered are automatically void. And any failure to do so, the defendants are liable for the consequence of their fraud and deception
 - 5- The plaintiff asserts that Jane Boyle order is not valid , and even if it is valid, it does not cover post or future violations (the current case). The plaintiff is asking the defendants to identify and meet his NOW NEEDS as they are always required to do so.
 - 6- There is a contract/obligations toward the plaintiff.(the defendants renew such obligations every year either in public or before the US Government. See Exhibit attached E-1

Plaintiff's arguments

1-The plaintiff rejects the arguments stated in the defendants motion for summary judgment, not only they are misleading but also they are untrue. and the defendants **are arguing this new case as if it is the same old case**. The cases are different, the old case 3:99-CV-680-D is a small and about an incident that occurred on or before July 1997(validation sticker of the plaintiff ECFMG certificate, and the ECFMG telling UTSW to admit the plaintiff in a job on July 1997). But this new case 3:01-CV-1301-L is a new case based on new evidence and it still ongoing violations and began when the plaintiff requested assistances from the defendants thereafter, therefore the statute of limitations never run out. And that the defendants are refusing to identify and meet the plaintiff needs; and the defendants stole and embezzled the money that were supposed to be used to identify and meet the plaintiff needs, and their deceptive practices and fraud.

2-The plaintiff is a pro-se and he does have NEEDS. The defendants do have the all time duty to step in and identify his needs and meet them. Here the defendants do not have any **acceptable defense to raise**: the plaintiff is simply asking to have his needs identified and met, it is a recent request, and should the plaintiff suffer any set backs of any kind as a result of delay on the part of the defendants must be used against the defendants. The defendants must cease their **ongoing violations (period)**. The court

must realize that **the mask has fallen and exposed the defendants** and judgment must be into the plaintiff's favor..

- 4- the plaintiff asserts that it does not require a rocket scientist to know that the defendants are doing their actions against the plaintiff deliberately. Both The case 3:99-CV-680-D and the defendants recent motion for summary judgment constitute evidences against the defendants that the defendants are not willing to IDENTIFY and MEET the plaintiff NEEDS. Therefore, the defendants not only are failing to perform their lifeterm and yearly contract and obligations toward the plaintiff, but also there is a pattern in practices in the defendants operations that include unjust enrichment, fraud and deceptive trade practices, and scam and profiling and retaliatory against the plaintiff. The plaintiff is entitled for all kinds of reliefs and judgment must be into the plaintiff's favor with an urgent injunctive reliefs. (The proofs are self evident against the defendants- even for people with an IQ below 10)- It is about time for the violations of the laws to stop
- 5- the defendants cannot claim any res judicata also because the order in the 3:99-CV-680-D was done *under the influence*; the plaintiff did not consent to proceed before a magistrate judge, the plaintiff consent was *done under duress, coercion, intimidation* and the *threat of retaliation, and without meeting the plaintiff's legal needs*. therefore all the orders lack any validity because of judicial/ jurisdictional power. Magistrate judges lack the judicial power to render any judgment or entertain cases without the full and unrestricted consent(**100%**) of the plaintiff. The plaintiff consent lacks the validity and so all the consequents orders.
- 6- Since the matter is also judicial jurisdictional power or consent. The plaintiff consent defense can **be raised at any time and even after a final judgment is rendered** , *Huecker v Milburn* 538 F 2d 1241 (USCA-6 Ky 1976) and *Shimman v International Union of operating Engineers, Local 18* 744 F2d 1226 (USCA-6 Ohio 1984) cert den 469 US 1215 (1985).
- 7- The defendants committed fraud and stole money(that is supposed to be used to identify the plaintiff needs and meet them) , the defendants attorney admitted on **April 11, 2002 at 1:03 PM to the long existing *exparte communication* between** the court and his clients. The plaintiff submitted evidences of millions of dollars **missing** that went to finance the defendants underground illegal operations. The plaintiff is raising this matter and **demands that no court order(adverse to the plaintiff) be rendered** without meeting the plaintiff's needs as a pro-se first. And the plaintiff is further asking to have a hearing in the presence of all parties before the court and jury. Otherwise it constitute *exparte communication*. And SINCE each party filed a motion for summary judgment , a court hearing in the presence of all parties must be done in court. and all previous orders are thus null, void and bought by the money(that was supposed to be used to identify and meet the plaintiff's needs) that the defendants diverted at the expense of the plaintiff's needs.

- 8- The plaintiff asserts that the defendants as of THIS MOMENT do have the duty to maximize his benefits and identify all of his current needs and meet them. Anything less constitute as evidence against the defendants. And that any order, absent the meeting of those needs, constitute a purchased order by the defendants.
- 9- The plaintiff does hold the defendants attorneys (hired guns) and every judge, especially the USDC judges as personally responsible. These current problems would not have existed if the USDC allowed the ECFMG to be named as a co-defendants as the plaintiff requested in his case 3:98-CV-1622-P. The plaintiff reserves his rights to seek justice in the matter he sees fit. The plaintiff will not allow anyone to prosper at the expense of the plaintiff's needs.
- 10- The plaintiff asserts that this case has nothing to do with the plaintiff verification of his credentials from Romania, and nothing to do with any sticker- **it has to do** with the defendants **practices and policies** saying something and doing something else.
- 11- The plaintiff is tentatively a pro-se. Pro-se litigants must be ensured a meaningful access to the court(plaintiff's needs). The defendants do have the duty to identify and meet the plaintiff's needs.(exhibit E-1)
- 12- The plaintiff rejects all the defendants statements, all the defendants statements are disputed and the plaintiff will not answer them word by word at this time and without waving any rights whatsoever. The defendants admitted to the US government to owe the plaintiff a duty to identify and meet his NEEDS etc... and *the defendants previous* experiences have failed, Now the defendants do have a duty to create new solutions that identify the plaintiff NEEDS and Meet them.(the defendants **MUST STOP EXPERIMENTING WITH THE PLAINTIFF**.
- 13- To impose upon the plaintiff to respond to the defendants motions without identifying and meeting the plaintiff needs first constitute improper court proceeding.
- 14- The plaintiff asserts that whatever the defendants gave in various descriptions about USMLE, licensure and various committees, and requirements and all statements in their briefs etc... **does not** exempt them from IDENTIFYING THE PLAINTIFF'S NEEDS AND MEET THEM.. the defendants were created to assess each FMG needs and meet them(each FMG needs are different, the defendants must meet them.) the defendants must accommodate and meet the plaintiff's needs.
- 15- The defendants admitted in **exhibit E-3** that whatever the plaintiff says in his resume(employment request) does not count. The defendants do have the last word with the employer and if the employer does not comply he will lose the accreditation.(order of compliance or losing accreditation). Therefore all the

defendants previous denial are moot. And this clearly explain how the plaintiff was not able to find a job- and when taking into account with other evidence it speak for themselves especially when the defendants repeatedly denied its existence(evidence must be viewed into the plaintiff's favor under FRCP).

- 16- The defendants admitted to have a say in the plaintiff employment and they made it clear through their statement and word and policies and practices(Exhibit E1 and E2, and E4, E5).
- 17- The plaintiff submitted evidences about how the ECFMG acts as a **placement** agency for a minimum 30,000 jobs each year through ERAS and deliberate recruitment of people with visas(see plaintiff motion for summary judgment B4, B5, B60, and A2 , and the plaintiff is willing to submit more evidence about the defendants earnings through such placement.
- 18- the plaintiff asserts that the defendants recruitment/placement for a fee violates 8 USC-1324-b and the plaintiff is asking this court to consider it as a claim in order to prevent another lawsuit.(it is illegal to recruit people based on visa status/citizenship or for a fee et..)**
- 19- The defendants do more than just certifying doctors(E-1, E2, and the defendants income tax provide information what the defendants do.
- 20- the plaintiff submitted evidence(income tax) how the defendants deliberately admit people on visa, in a **price fixing(this charge never prosecuted before)** scheme that displaced the plaintiff(and other US Citizens) in order to limit the number of licensed physician in the United States(see plaintiff motion for summary judgment exhibit A2- visa sponsorship), the plaintiff was injured as a provider(unemployed), and as consumer(matter the plaintiff never brought before by the plaintiff) and as a public(the plaintiff lost faith in everything called non-profit because of the scam of the defendants) and not to forget the tax violation in which the USA is a party
- 21- the defendants failed to serve the plaintiff interest (exhibit A7). And the defendants failed to prepare the plaintiff, because of their scam.
- 22- The plaintiff asserts that the plaintiff does have an additional standing even when the US is a party of interest(tax). The plaintiff is the beneficiary/cause named by the defendants, and any violation of the US laws by the defendants does have a negative effects(injuries) upon the plaintiff NEEDS and interests(plaintiff's cause). In addition, the plaintiff is a US CITIZEN, and any harm of any kind (Tax) done to the U.S. is also a harm done to the plaintiff. Therefore the plaintiff does have **DOUBLE STANDING** in the matter. Furthermore, the plaintiff is a

part of the public. Tax matters are public matters and the defendants admitted to owe the plaintiff duty to serve his best interests as a PUBLIC. Therefore standing exists

- 23- The plaintiff further asserts that his action include, not only TAX violation, the violations of the defendants obligations and terms and agreements and contracts toward the plaintiff that are partly associated with it. In other word, the plaintiff takes what is his, and the Government takes his share.

Evidences of current obligations/contract

The plaintiff asserts that the defendants obligations toward the plaintiff are current and not subject to any limitations, because the defendants must renew their obligations every year with the authorities(see E1) and they must maintain a public disclosure(see plaintiff motion for summary exhibit A3 line 83-a-b) . Such contract/obligations toward the plaintiff is renewed publicly by the defendants and every year. The plaintiff submitted evidence in his motion for summary judgment of such renewals in 1999-2001). Therefore all the contracts and obligations are new and current and they are not subject to any limitations or res judicata.

In order for the contract to cease or resjudicata to apply all the following must be met:

- 1- the plaintiff new injuries were caused by an action older than 4 years, **AND**
- 2- The plaintiff is no longer named as the beneficiary/cause if the defendants cease to use him(or his group) as a cause for their non-profit/exemption for a more than continuous 4 years and without reuse him, **And**
- 3- The defendants must not conceal any evidence, and any type of fraud must not exist. **AND**
- 4- The new case must be of smaller magnitude than the old one and they must arise out of the same day of action(same day aggression). **And**
- 5- **LACK** of any type of Contact between the parties for a period of more than 4 continuous years, without any explanation.

Therefore all the matter of resjudicta and statute of limitation NEVER apply because the new case is bigger, and its Ongoing(different time) and the defendants continue to renew their obligations to the plaintiff through the use of the plaintiff as a beneficiary as their cause, for exemption every year, and because defendants are involving in Fraud and concealment of evidence, furthermore, the repetition of action of the defendants entitle the plaintiff to an *exponential reliefs* as to put an end for the defendants pattern and practices. An ongoing violation is different from an old one. In addition the **plaintiff maintained a continuous contact** with the defendants at least twice a year since 1985 until now , even when the plaintiff was overseas 1993-1996, and *this is how the plaintiff Knew of the defendants 1994 policy of No Examination refunds(see the defendant income tax filings cheating using examination refunds as expense(see plaintiff motion summary A4 and A6 and B2-3)*

- 24- The evidence for fraud became available on 2001 and the statute of limitation never ran out, the defendants concealed the evidence either directly, or in violations of their 501-C-3 or by deliberately filing their income tax late so the evidence won't be available.
- 25- The plaintiff rejects all the defendants arguments assuming that the damages occurred before 1990. **the plaintiff did have a valid certificate on 1997 and he was ready for fresh start, there damages(Aggravation of a preexisting) occurred after 1997 and they are all within statute of limitation.** The matter lies with the defendants is to start IDENTIFYING the plaintiff NEEDS and meeting them. The defendants old techniques did not work and the plaintiff is asking the defendants to stop their *experimentation with the plaintiff because the plaintiff is not a guinea pig and the plaintiff did not consent to be a subject of experimentation.* EVEN when people consent for experimentation, available remedies exist if harm is done.
- 26- The plaintiff provided all the evidence to prove he has a life term contract between the plaintiff and the defendants and that contract is the price the defendants do have to pay for their exempt status(see Exhibit A5, plaintiff motion for summary judgment)- the defendants admitted to the US Government in 1999 that they are an exempt status *because they were created to provide the plaintiff to assess and identify and meet his needs, and to promote his excellence and advancement and maximize his needs.* The court must understand that the defendants pattern of conducts and even their motion for summary judgment provides evidence of the defendants *readiness and willingness to exploit, take advantage of* the plaintiff and use him as a pawn just to claim tax exempt status . The plaintiff affirms that the defendants are using his name, class, group, and character etc.. to engage in scheme and fraud and unjust enrichment to violate his rights and to cause him harms. The defendants are thus liable for every penny they earn using the plaintiff(his groups) as a royalty and as a cause.
- 23 -To exploit the plaintiff and abuse him is the **OPPOSITE** of identifying the plaintiff's needs and meeting them. The ONGOING VIOLATIONS MUST END NOW.

The plaintiff also provided the evidences how the defendants are channeling/stealing the money(that was supposed to be used in accordance with identifying and meeting the plaintiff's needs- and the defendants attorneys salaries are paid by the money that were supposed to be used to identify/meet the plaintiff needs- the defendants attorneys are taking away the plaintiff's opportunities and this a clear evidence).

The defendants have shown to hide incomes to abuse further laws and not to use the minimum of 60% of such an income as required under their tax exempt status.

24-The plaintiff does have **STANDING** in his claims of fraud, contracts and corruption and non-profit status, unjust enrichment, scam etc.. the defendants admitted to be created to owe the plaintiff duty for life(as a tax exempt) a to identify his needs and meet them. To promote his excellence and advancement, expand his opportunities, provide him with useful informations, analyze his needs, maximize his benefits and serve his best interests (see plaintiff's motion for summary judgment Exhibits A1 through A7 and B1, B4, B5, B6). Therefore the defendants conducts are of interest of the plaintiff: and the defendants must fulfill their obligations toward the plaintiff/ the plaintiff have suffered injuries(aggravations) either by failure of the defendants to comply with their duty or by acting outside their scope, and either through acts of commission/omission or the alternative. All the plaintiff injuries are traceable to the defendants and their pattern of conducts. Therefore the plaintiff does have standing in the matter

25-THE plaintiff is an FMG for life(permanently)- the plaintiff submitted evidence to the court to the existence of a **linkage** between his status as an FMG and the defendants tax exempt status as a non-profit. The defendants **RENEW their** obligations toward the plaintiff *every year* either in public through their publications and their websites, or when they file their taxes and claim every year they are non-profit because they will assist the plaintiff and promote his excellence and advancement and expand his opportunities and serve his best interest, and maximize his interest and benefits. There is continuous contact between the plaintiff and the defendants(and their representatives). Therefore the defendants obligations toward the plaintiff is current and will never expire because the defendants must renew their pledge every year. The defendants last renewal of their pledge is 2002. therefore the plaintiff is asking the defendants to identify his NEEDS and MEET them and before any adverse outcome of anything and the sooner the better.

26-The plaintiff asserts that any judgment must be into the plaintiff's favor .such judgment will bring an end to the defendants violations, and it will allow the proper DIAGNOSIS of the plaintiff's NEEDS and treatment, and it *will stop the defendants past experimentations that proved to be of no help*. It will also bring about the respect of the laws and that laws are not just ink on paper. Therefore the plaintiff is moving this case for summary judgment into his favor.

27- The plaintiff asserts that all the defendants arguments are either lies or distractor from the current issues. The plaintiff is hereby asking the defendants to DIAGNOSE and TREAT HIS NEEDS as required, and *this court must not render* any order against the plaintiff in the absence of meeting the plaintiff legal NEEDS first. In additions the plaintiff legal NEEDs must meet his NEEDS. **If the court render judgment against the plaintiff, the defendants will be liable either by delay, or failure to identify, or by erroneous identification of the plaintiff needs.** In other words, the defendants do not stand a chance. – the defendants must come to their senses.

28--The defendants stole/channeled the money that were supposed to be used to diagnose and treat the plaintiff's needs and evidence speak for themselves. The

plaintiff wounds are enormous. He was alienated from his career, his jobs, his loved ones, his community, loss of meaningful relationships(at least five), loss of affection and emotional support, loss of society, loss of class, straining relationships with family, friends because of the strain imposed upon the plaintiff(stress and burdens) or because of debts that the plaintiff is unable to pay to his brothers and sisters and relatives overseas. And the plaintiff lost benefits and many other things

- 29- The defendants proven to lie in that they abused the plaintiff's cause for their non-profit status and get unjustly rich at the expense of the plaintiff's needs, The defendants admitted to be for profit and in treble amount: their lawsuit 6:99-1676-24 pages 12 and 20. (exhibits D1 and D2)
- 30- The plaintiff hereby rejects all the defendants claims and practices in their motion for summary judgment and brief. All the defendants statements are lies and deceptive, and all the defendants responses and citations are NEVER applicable in this case. the ***plaintiff stands firm with*** his defense and his claims and he submitted evidences that are all admissible. **THE PLAINTIFF IS ASKING THIS COURT TO SEE THE DEFENDANTS ACTIONS and not THEIR WORDS.** Their actions in their websites, publications, Tax return are self explanatory. And history is the best proof and witness.
- 31- The plaintiff also stated that the court must never treat this case as a TAX matter alone, the tax matter belongs mainly to the IRS. The plaintiff. Although he has a standing under income TAX because 501-C-3 claim uses the plaintiff as a cause **and as a beneficiary, the plaintiff standing extends to other claims.**

Conclusion

The plaintiff demanded to have his needs diagnosed and treated by the defendants as they are obligated to do. The defendants have either refused to do so, or deliberately and repetitively misled the plaintiff and misdiagnosed his NEEDS and awarded the wrong treatment. The plaintiff asserts that the plaintiff does have NEEDs and the court is aware of this fact. The plaintiff legal NEEDS take priority, they must be diagnosed, and treated as soon as possibly and before any order. The defendants made their language clear, and evidences speak for themselves. The defendants cannot file their motion for summary judgment, because the plaintiff is filing his motion on the ground of the defendants refusal to produce documents and meet his NEEDS. The defendants have shown their willingness and readiness to exploit and abuse the plaintiff. These facts are evident by the fact that the defendants did not attempt to identify and meet the plaintiff needs during his litigations, and they decided to take advantage of him(Does that constitute a proper diagnosis and treatment of the plaintiff NEEDS).

In addition, when the defendants refuse the plaintiff demands to identify his needs and meet them. *The matter becomes self explanatory: refusal to do*

their obligations-contracts- fraud or deceit or scam in operation-subjecting the plaintiff to exclusionary and alienatory and profiling measures beyond beliefs- retaliation and malice- denying the plaintiff to access to benefits and to use , etc... the plaintiff is demanding an injunction urgent to stop their abuse by Diagnosing the plaintiff legal needs first and treat them. Therefore **the judgment into the plaintiff favor will improve the plaintiff conditions and it is inevitable. It will lead to have the defendants to properly address the plaintiff NEEDS and meet them.**

Attached EXHIBITS:

- E1-** Statement 3 of the defendants income TAX file year 1999
Showing the linkage between the defendants renewed yearly obligations toward the plaintiff/beneficiaries, and their exempt status
- E2-**Page one of three of the defendants bylaw, article 1, admitting to the obligations toward the plaintiff(serve his best interest, expand his opportunities, assist him, maximize his benefit, promote his advancement.
- E3-** From the defendants website showing that the final word of the plaintiff prospective employment is determined by what the ECFMG says and not the plaintiff resume{ note: the defendants repeatedly denied its existence, even in their recent motion for summary judgment}
- E4-**From the defendants website: showing the defendants acting as a placement agency for fee for their 30000 jobs each year- This is also violate 8 USC-1324-b—{ note, the defendants repeatedly denied its existence, and even in their motion for summary judgment}.
- E5-** from the defendants website, showing the defendants obligations toward the plaintiff-{ the defendants have learned their lesson well creating another non-profit organization- it is a good scam and profitable technique}
- E6- E7:** pages 1 and 20 of the ECFMG complaint in the case 6:99-1676-24, in which the ECFMG admits to be for profit and in treble amount. Is that what they are telling the public/Government?

Certificate of service : this is to certify that a true copy of the foregoing was sent to the defendants attorneys Mark Robert and Susan Schwartz via e-mail as an attachment and via USPS regular mail at their address of record via USPS regular prepaid mail on June 7, 2002 to the address 6688 N Central Expressway# 850, Dallas, Texas 75206-3913. also the plaintiff asserts under penalty of perjury that all statement by the plaintiff or attached exhibits are true and correct to the best of the plaintiff's knowledge.

Respectfully submitted
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